

The Honorable John H. Chun

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA.

No. CR22-69 JHC

## Plaintiff

GOVERNMENT'S MOTION FOR  
PERMISSION TO FILE A SURREPLY

DWIGHT CHRISTIANSON HENLINE.

NOTING DATE: October 13, 2023

The United States of America, by and through Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and Erin H. Becker and Cecelia Gregson, Assistant United States Attorneys for said District, hereby files this motion for permission to file a surreply in response to the Defendant's Reply to Government Response to Motion to Exclude Expert Opinion (Dkt. 51).

On October 4, 2023, defense counsel filed a Reply to Government Response to defense's Motion to Exclude Expert Opinion Testimony (*Daubert Motion*). In his reply brief, Henline sought a different remedy than what he sought in his original motion. The

1 government is moving to strike the reply brief. If the Court denies the government's  
2 request to strike, the government seeks additional time to prepare for any *Daubert*  
3 hearing. A motion to strike is properly brought in a surreply. Accordingly, the  
4 government requests permission to file a surreply to properly address Henline's new  
5 request.

6 **CONCLUSION**

7 For all the above-stated reasons, the government respectfully requests permission  
8 to file a surreply no later than October 5, 2023, for the limited purpose to properly  
9 address—and move to strike—Henline's new, different request for relief.

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11 DATED this 5th day of October, 2023.  
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14 Respectfully submitted,

15 TESSA M. GORMAN  
16 Acting United States Attorney  
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